

**CITY OF DELTONA, FLORIDA
REGULAR CITY COMMISSION MEETING
MONDAY, OCTOBER 7, 2013**

A Regular Meeting of the Deltona City Commission was held on Monday, October 7, 2013 at the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

1. CALL TO ORDER:

The meeting was called to order at 6:30 p.m. by Mayor Masiarczyk.

2. ROLL CALL:

Mayor	John Masiarczyk	Present
Vice Mayor	Zenaida Denizac	Present
Commissioner	Webster Barnaby	Present
Commissioner	Heidi Herzberg	Present
Commissioner	Fred Lowry	Present
Commissioner	Chris Nabicht	Present
Commissioner	Nancy Schleicher	Present
Acting City Manager	Dave Denny	Present
City Attorney	Becky Vose	Present
Deputy City Clerk	Mitch Honaker	Present

Also present: Public Works/Deltona Water Director Gerald Chancellor; Planning and Development Services Director Chris Bowley; Parks and Recreation Director Steve Moore; Building and Enforcement Services Director/Acting Deputy City Manager Dale Baker; Deputy Chief Robert Rogers; and VCSO Captain Dave Brannon.

3. INVOCATION AND PLEDGE TO THE FLAG:

Mayor Masiarczyk read some of the comments from the Pope about the necessity of political prayer and then had a Silent Invocation.

The National Anthem was sung by Pine Ridge High School Chorus from Deltona.

4. APPROVAL OF MINUTES & AGENDA:

A. Minutes:

1. Approval of Minutes – Regular City Commission Meeting of September 16, 2013.

Motion by Commissioner Schleicher, seconded by Commissioner Herzberg to approve the minutes of the Regular City Commission Meeting of September 16, 2013.

Motion carried unanimously with members voting as follows: Commissioner Barnaby, For; Commissioner Herzberg, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Commissioner Lowry, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.

B. Additions or Deletions to Agenda:

5. PRESENTATIONS/AWARDS/REPORTS:

A. Presentation – Super Star Student of the Month Certificates for August/September, 2013.

The Commission presented Super Star Students of the Month certificates for August/September, 2013.

B. Proclamation – Fire Prevention Week October 6-12, 2013.

Mayor Masiarczyk and the Commission presented the proclamation to Deputy Chief Rogers and members of the Deltona Fire Department.

C. Presentation to Cassie Niemiece for Outstanding Assistance to her Neighborhood.

Deputy City Clerk Mitch Honaker read the award for Outstanding Assistance into the minutes, and Mayor Masiarczyk stated that he would present the award to Ms. Niemiece at a later date.

6. PUBLIC FORUM – Citizen comments for items not on the agenda.

a) James Webster, 684 Raleigh Court, stated that he was concerned about an incident that occurred in his neighborhood on October 2, 2013, that he was sure that he and his neighbors had heard gunfire during the time of the incident but that he did not see any mention of gunfire in the police report, and that he was concerned for the resident's safety.

Mayor Masiarczyk asked if the area didn't have a Neighborhood Watch, to consider establishing one, and he suggested the resident leave his contact information with Captain Brannon from the VCSO so he could research the incident and provide him with an update.

Commissioner Barnaby thanked Mr. Webster for bringing the incident to the Commission, and he asked what the VCSO standard operating procedures were when gunshots are fired, and Captain Brannon explained the procedures and he stated that he would research the incident.

Commissioner Herzberg stated that several similar incidents occurred in her neighborhood, the VCSO deputies were always very thorough, kind, and informative, the VCSO helicopter was always in the area, and the VCSO deputies always explained the situation.

b) Stephen Bacon, 257 Bayou Circle, stated that he received a notice from Deltona Water on September 22, 2013 about the quality of the water, possible side effects to customers, that corrective action would take about 18 months, and he requested the Commission consider postponing the 25% surcharge for a period of 24 months.

Mayor Masiarczyk stated that the City's bond rating is affected by the water rates and that it would be taken under consideration, and that the City has already started the process to rectify the problem. He asked the Acting City Manager about the Federal requirement to send out notices when the levels reach a certain percentage. Acting City Manager Dave Denny replied that when Trihalomethane (THM) levels reach 80 milligrams per liter that notices are required to be sent out to users, and that the section of water system involved effects approximately 6,000 water customers.

c) Paula Yorker, 1826 Portview Drive, Executive Director of the SIA Brain Awareness Foundation, stated that SIA brings awareness to the community about the signs and symptoms of any illnesses or diseases dealing with the brain, , SIA is preparing for their second annual walkathon at

Dewey O. Boster Park on October 19, 2013 from 9:00 a.m. until 12:00 p.m., proceeds from the walkathon provides revenue for their scholarship awards program to high school students who are going to major in the medical field, that she wanted to make the community aware of the event, invited the Commission to join them for the walkathon, and provided the Commission with the SIA website of www.siabrainawarenessfoundation.org.

7. CONSENT AGENDA:

Mayor Masiarczyk read the title of each item on the Consent Agenda.

Vice Mayor Denizac requested to pull Consent Agenda Item 7-G.

Motion by Commissioner Herzberg, seconded by Commissioner Schleicher to approve Consent Agenda Items 7-A through 7-F, and Item 7-H.

Motion carried unanimously with members voting as follows: Commissioner Barnaby, For; Commissioner Herzberg, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Commissioner Lowry, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.

***A. Request for approval to award Bid #PW 13-15 for as needed Asphalt paving and resurfacing.**

Approved by Consent Agenda – to approve award to Halifax Paving to be utilized as needed for an agreement period of one (1) year with the option to renew for three (3) additional one (1) year periods at an annual cost not to exceed \$500,000 in the FY 13/14 and not to exceed the Commission appropriated funds for each additional fiscal year during the remaining terms of the contract.

***B. Request for approval to award Bid # PW 13-16, Courtland Blvd./Skate Park Stormwater Improvements.**

Approved by Consent Agenda – to award Bid #PW-13-16 for the Courtland Blvd. / Skate Park Stormwater Improvements Project to Hazen Construction, LLC at a total cost of \$139,440.00.

***C. Request for approval to award Bid # PW 13-17 for As Needed Electric Motor and Industrial Pump Repairs.**

Approved by Consent Agenda – to approve award of this service to C & C Electric Works to be utilized as needed for an agreement period of one (1) year with the option to renew for three (3) additional one (1) year periods at an annual cost not to exceed \$150,000 in the FY 13/14 and not to exceed the Commission appropriated funds for each additional fiscal year during the remaining terms of the contract.

***D. Request for approval to award Bid #13019 for as needed electrical services.**

Approved by Consent Agenda – to approve award of Bid #13019 for as needed Electrical Services to Electrical Solutions to be used as needed within the appropriated funding for each fiscal year throughout the award term.

***E. Request for consideration for renewal of Halifax Humane Society Contract.**

Approved by Consent Agenda – to renew the contract for services between Halifax Humane Society and the City of Deltona as specified for an additional year from October 1, 2013 through September 30, 2014.

***F. Request for consideration for renewal of South East Volusia Humane Society.**

Approved by Consent Agenda – to renew the contract for services between South East Volusia Humane Society and the City of Deltona as specified for an additional year from October 1, 2013 through September 30, 2014.

G. Request for approval of 2013-2014 Law Enforcement Services Agreement.

Vice Mayor Denizac stated that after the last Commission Workshop when the renewal of Deltona's Law Enforcement Agreement (LEA) with the VCSO was mentioned that she had conducted some research comparing the cost of the LEA between the VCSO and Deltona to other cities LEA costs, to include several cities with comparable population levels to Deltona who are paying over \$30 million dollars for their LEA. She discussed several cities contract costs, law enforcement services provided to Deltona and to other cities, the crime index in Deltona, Deltona's LEA costs of \$9.5 million dollars for a City with over 85,000 residents was a great deal less than what other cities are paying, and that Deltona is getting really good service for the money that it pays.

Motion by Vice Mayor Denizac, seconded by Commissioner Nabicht to authorize the Mayor and Acting City Manager to execute the Law Enforcement Services Agreement for fiscal year 2013-2014 in the amount of \$9,594,958.00.

Motion carried unanimously with members voting as follows: Commissioner Barnaby, For; Commissioner Herzberg, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Commissioner Lowry, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.

Commissioner Nabicht stated that he would like the VCSO to provide a briefing at an upcoming Commission Workshop rating law enforcement services in Deltona, discussing crime statistics and trends in Deltona, and how the Commission could improve the City's overall law enforcement rating.

Commissioner Lowry stated that some years ago Sheriff Johnson provided the Commission with Volusia County cities crime per capita data with Deltona being the second lowest City and asked Sheriff Johnson for updated law enforcement statistics concerning Deltona. Sheriff Johnson passed out a chart to the Commission for the 2012 Annual Index Crime Rate Comparison on Volusia County Cities and Police Departments which included response times that refutes an earlier statement that was made. Sheriff Johnson compared the faster response time for different types of incidents for Deltona as compared to unincorporated Volusia County, that he is very proud to provide law enforcement services to the City of Deltona, and he thanked the Commission for their vote of confidence in the VCSO.

***H. Request for consideration of change in Commission meeting dates for 2013 holiday season and approval of the 2014 holiday meeting schedule.**

Approved by Consent Agenda – to change the December meeting schedule to include only one (1)

Regular Commission meeting on Monday, December 16th and no Commission Workshops during the month of December 2013 and to approve the meeting calendar for 2014 as presented.

8. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing – Ordinance No. 12-2013, amending Subpart A, Chapter 38, “Environment”, by adding new Article VII “Stormwater Discharge Pollutant Control” and new Article VIII “Florida-Friendly Fertilizer use on Urban Landscapes, at second and final reading.

Mayor Masiarczyk asked staff if there were any updates or changes to the Ordinance from first reading and Mr. Denny replied “no”.

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

City Attorney Becky Vose read the title of Ordinance No. 12-2013.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, AMENDING CODE OF ORDINANCES SUBPART A, CHAPTER 38, “ENVIRONMENT”, BY ADDING NEW ARTICLE VII “STORMWATER DISCHARGE POLLUTANT CONTROL” AND NEW ARTICLE VIII “FLORIDA-FRIENDLY FERTILIZER USE ON URBAN LANDSCAPES”; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

Motion by Commissioner Nabicht, seconded by Commissioner Herzberg to approve Ordinance No. 12-2013 at second and final reading.

Motion carried with members voting as follows:

Commissioner Barnaby	For
Commissioner Herzberg	For
Commissioner Lowry	For
Commissioner Nabicht	For
Commissioner Schleicher	For
Vice Mayor Denizac	Against
Mayor Masiarczyk	For

Ordinance No. 12-2013 was approved at first reading at 7:32 p.m.

9. OLD BUSINESS:

Mayor Masiarczyk stated that he wanted to inform the public that the Commission was a victim of vicious and disgusting emails, and that no one on City staff or the Commission was involved in transmitting the emails. Mr. Denny stated that the City’s Internet Technology (IT) Department blocked the senders email address.

10. NEW BUSINESS:

A. Request for approval to execute Cost Share Agreement with the St. Johns River Water Management District for the Doyle Road Reclaimed Water Interconnect Project and the

Howland Blvd. Phase 3 Reclaimed Water Construction Project.

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

Motion by Commissioner Nabicht, seconded by Commissioner Herzberg to approve and execute the Cost Share Agreement with the St. Johns River Water Management District for the Doyle Road Reclaimed Water Interconnect Project and the reclaimed portion of the Howland Blvd. Phase 3 Utility Relocate Project.

Motion carried unanimously with members voting as follows: Commissioner Barnaby, For; Commissioner Herzberg, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Commissioner Lowry, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.

B. Request for approval to execute Joint Project Agreements with Volusia County for both the Saxon Blvd. Utility and Stormwater Improvements project and the Howland Blvd. phase 3 widening project.

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

Motion by Commissioner Barnaby, seconded by Commissioner Lowry to approve and authorize the execution, by the Mayor, of both Joint Project Agreements for the Utility and Stormwater Improvements of Saxon Blvd. and for the Utility Adjustment and Road Construction of Howland Blvd. with Volusia County.

Commissioner Nabicht asked if the school board was involved in the project, if the pipe relocation was going to start in front of Pride Elementary School, and if the project would take care of correcting all of the underground utility problems in that area. Mr. Denny replied that the Howland Boulevard portion of the project is the road widening of Howland Boulevard which will start at Courtland Boulevard and go all the way down in front of Walmart, that the school board has attended some of the meetings so it is aware of the project, and that all of the underground utility issues would be taken care of with the completion of the road widening project.

Vice Mayor Denizac stated that as she has been saying for years that there is a need to put in a flashing light at Pine Ridge High School. Mr. Denny replied that staff will discuss with the County the possibility of installing a flashing light at the school entrance.

Motion carried unanimously with members voting as follows: Commissioner Barnaby, For; Commissioner Herzberg, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Commissioner Lowry, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.

C. Request for approval of Meadowlark Drive Right-of-Way Dedication.

Mayor Masiarczyk asked why it was in the City's best interest to except the right-of-way to the Meadowlark Drive property. Mr. Denny stated that the intent was to make the location a public right away. Plans and Development Services Director Chris Bowley stated that making the location a public right-of-way would give people access to the school, provide access to Lake Baton Estates, and to the North for any future development plans.

The Commission discussed access to other developments, the fact that the City would lose a few hundred dollars per year in future tax dollars, future development in the area, and the Commission asked Mr. Bowley if he recommended approval of the right-of-way. Mr. Bowley replied "yes", that he thought it would benefit the City.

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

Motion by Commissioner Schleicher, seconded by Commissioner Herzberg to approve the dedication of that portion of Meadowlark Drive right-of-way, extending approximately 510 north of Baton Drive, and the associated Special Warranty Deed.

Motion carried unanimously with members voting as follows: Commissioner Barnaby, For; Commissioner Herzberg, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Commissioner Lowry, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.

11. CITY COMMISSION COMMENTS:

a) Commissioner Barnaby commended Ms. Paula Yorker for heading up the SIA Brain Awareness Program, stated that he recently attended the Center for Florida's Government of Excellence Ethics Conference and Attorney General's Sunshine Summit in Orlando where he learned about the Sunshine Law amendments and the Code of Ethics, public service and ethics, violations of the Sunshine law by public servants, the importance of having the trust of the public, and in knowing the rules and how they apply to being a public servant.

b) Commissioner Herzberg reminded everyone of the City's Spooktacular event, mentioned the Pink Heals event and the Fire Department's open house event this past weekend, and she thanked the Fire Department and their families for hosting the events. She discussed the upcoming annual Relay for Life which will occur on April 14, 2013 and suggested Deltona put extra effort into putting a team together to support the event. She discussed the West Volusia Summit, possible topics for the Summit and selecting a date for the Summit. She suggested the Commission consider setting up an open email system where Commissioners share their emails to provide visibility of resident concerns and each Commissioner's projects.

Mayor Masiarczyk replied that an email sharing policy was an issue that should be discussed and that the current policy needs to be looked at. He stated that he would send a letter out to all West Volusia Mayors suggesting that the Mayors select a date and move forward with having the Summit.

c) Commissioner Nabicht stated that several members of the Commission attended the Hispanic Heritage month celebration at the DeBary Golf and Country Club and that Marissa Vasquez's group put on a phenomenal performance at the event. He suggested changing the order of the Commission meeting closing comments to have the City Attorney and City Manager speak before the Commission closing remarks.

After discussion, the Commission concurred that starting at the next Commission meeting, to change the order of closing comments to the City Attorney speaking first, then the City Manager, and followed by the Commission.

Commissioner Nabicht stated that starting October 16, 2013 the City would have a couple navigators at City Hall available to citizens to assist people with looking into the prospects of Affordable Health Care

and researching the many plans that are going to be available. He stated that one of his main concerns with the Affordable Health Care Act is if the City did not have navigators available at a central location that residents may get taken advantage of by people who are not qualified to provide navigator services. He stated that the annual Florida Fallen Firefighter Memorial Service and Prayer Breakfast will be held at the Florida State Firefighters College on October 11, 2013 at 9:00 a.m. and that he would be attending and representing Deltona.

d) Commissioner Lowry stated that he echoed Vice Mayor Denizac's comments on the benefits of having the law enforcement services of the VCSO and mentioned several of the benefits as compared to having a City law enforcement department. He stated that he went on a VCSO ride-along with Officer Cody and that by observing him on duty it was evident why he received an award from the Commission a few months ago. He attended the Hispanic Heritage month celebration at DeBary Golf and Country Club, he visited Principal Atkinson at Pine Ridge High School, and he apologized to the Fire Department for not being able to make it to the Pink Day events. He stated that Columbus Day was coming up, that he is distressed to see many history books being rewritten to besmudge the character of some of the countries founding fathers, that if anyone wanted to know what Christopher Columbus was all about to go on the internet and read his diary, that people should read the things that our founding fathers said to draw their own opinions from and not listen to someone simply because they wrote a book.

e) Commissioner Schleicher stated she attended the Sons of Italy Italian Heritage month dinner and the Hispanic Heritage month dinner, that she was proud to have been adopted by both groups, and that she presented a proclamation in celebration of the Hispanic Heritage month which celebrates the 500th anniversary of the founding of Florida by Ponce de Leon and Spain. It was the 10th anniversary of the Hispanic American Youth Group of Deltona, who was asked to perform for the King and Queen of Spain, they have performed all across Florida, and they received a proclamation from President Obama. She attended the Pink Heals tour where they had a pink fire truck that people could sign with the name of a loved one who has suffered from cancer. She reminded everyone of the upcoming Workshop where the Commission will tour the Deltona Fire stations on Monday, October 14, 2013, and that Sheriff Johnson has invited the Commission to visit with him in November.

f) Vice Mayor Denizac stated that she was concerned that the City did not have a policy in place that would provide a quick "For the Record" response to the Commission pertaining to rumors or to any controversial issues, and she recommended that the Commission receive a quick memorandum or email from staff with detailed first-hand information in response to any current rumors or controversial issues. She stated that she takes exception to having a contract with any business that is being investigated for fraud, and that there should be some type of language in every City contract that if any business is found guilty of fraud that it would be grounds for immediate dismissal of the contract. She stated that the Commission is not in charge of writing contracts and that she wants to make the individuals who write City contracts responsible for the language in those contracts, and responsible for making sure the Commission is getting all the information it needs when an issue comes before the Commission.

The Commission discussed making sure that there was an accountability clause in every City contract, possibly putting the "For the Record" policy concept on a future Workshop agenda, that the Commission's line of communication should be through the City Manager in accordance with the City Charter, and that "City Commission Comments" during Commission meetings should not be misconstrued as a time to cover Workshop type issues.

g) Mayor Masiarczyk stated he wanted to applaud the Public Works Department for completing the project on Elkcam Boulevard, that both the Fire Department and the VCSO are doing an outstanding job supporting the residents of Deltona, and that he is proud to have both organizations working for the City.

12. CITY ATTORNEY COMMENTS:

Mrs. Vose stated that the City won the hearing and the re-hearing of the Heron Lawsuit which closes the lawsuit, and that about a year ago Ms. Samantha Hughes filed a complaint with the Florida Civil Rights Commission which was dismissed with “no cause” which closes the issue.

13. ACTING CITY MANAGER COMMENTS: None.

14. ADJOURNMENT:

There being no further business, the meeting adjourned at 8:13 p.m.

John Masiarczyk Sr., Mayor

ATTEST:

Mitch Honaker, Deputy City Clerk